HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION
Dated Nainital the 13th November, 2006
First Bail Application No. 806 of 2006

Order on the bail application of the accused.
CRIMINAL SIDE

Kuldeep Kumar
S/o Shri Mtra Sen,
R/o Chawmandi Roorkee
P.S. Gangnahar Rorkee,
District-Haridwar. ..... Applicant

Versus

State of Uttaranchal ..... Opposite Party

In Case Crime No. 210/ 2006
U/s 420, 467 & 468 I.P.C.
at P.S. Kotwali, Roorkee,
District-Haridwar

Hon'ble Rajesh Tandon, J.

Heard Shri Ajay Veer Pundir, counsel for the applicant, learned AGA for the State and perused the record.

2. Present bail application has bee filed on behalf of Sri Kuldeep Kumar, who is the accused in Case Crime No. 210/2006, under Section 420, 467 and 468 I.P.C. The allegations against the applicant are that the amount has been transferred from 9th of December, 2006 to 15th December, 2006, from Account No. 14758 through different vouchers to the extent of Rs. 2,89,000/- to the account of Kuldeep Kumar i.e. Account No. 15483 and 10733. The said vouchers have been passed by Sri J.S. Sikka Special Assistant. The F.I.R. has been lodged on 20th July, 2006.

3. In paragraph 9 of the Bail Application, it has been stated that Shri Suresh Chandra Sharma and accused/applicant were working together, but due to some business misunderstanding Shri Suresh Chandra Sharma with the collusion Shri Sudesh Kumar Gupta and Shri J.K. Sikka made a conspiracy just to harass the accused/applicant by way of lodging the F.I.R. through Shri Sudesh Kumar Gupta, Senior Manager, Bank of Baroda, Roorkee branch."

4. Paragraph 9 of the affidavit has not been rebutted in the counter affidavit so far as the partnership is concerned.

5. However, in the counter affidavit, it has been stated that all the vouchers in question were checked by Sri J.K. Sikka, who is an employee of the Bank of the above named bank and after investigation, the Senior Manager has lodged an FIR.

6. In the Rejoinder Affidavit filed by Smt. Anita, it has been stated that the signatures over the vouchers cannot be decided without the report of the expert and the complainant has joined the hands with Sri Suresh Chandra Sharma in the conspiracy.

7. In view of the aforesaid averments made in the affidavit and further Suresh Chandra Sharma has not cooperated with the investigation under Section 161 Cr.P.C., the question of authenticity of the vouchers shall depend upon the report of the expert, which shall be done in the trial itself.

8. In view of the aforesaid facts and circumstances, let the applicant be released on bail on furnishing a personal bond

and two sureties each in the like amount to the satisfaction of the CJM concerned.

9. Bail application is disposed of along with all other pending applications.

(Rajesh Tandon, J.)

Dated 13.11.2006
Rathour